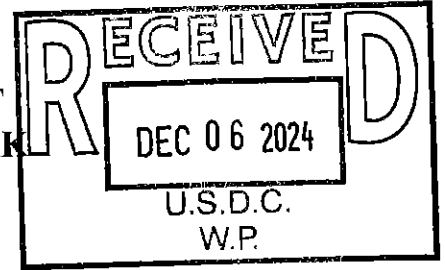


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
TYRONE COOPER,

PLAINTIFF,

24-CV-1128(KMK)

V.

AMENDED COMPLAINT
(Prisoner)

Kirby Francois, Correction Officer;
Keith Sposato, Correction Officer; and
Greene Haven Correctional Facility,

Do you want a jury trial?
☒ Yes ☐ No

DEFENDANT[S].

-----X

I... LEGAL BASIS FOR CLAIM

This Amended Complaint is filed under the Civil Rights Act, 42 U.S.C. §1983 for violation of my federal constitutional rights to practice my religion.

II. PLAINTIFF INFORMATION

Tyrone Cooper – 23-B-5168, located at Fishkill Correctional Facility, 18 Strack Drive, P.O. Box 1245, Beacon, New York 12508.

III. PRISONER STATUS

Plaintiff, Tyrone Cooper (hereafter "Plaintiff") is a convicted and sentenced prisoner in the State of New York, under the Department of Correction and Community Supervision (DOCCS).

IV. DEFENDANT INFORMATION

Defendant 1: Kirby Francois, **Shield #:** Unknown, **Current Job Title:** Correction Officer, **Current Work Address:** Green Haven Correctional Facility, 594 Rt. 216, Stormville, New York 12582-0010.

Defendant 2: Keith Sposato, **Shield #:** Unknown, **Current Job Title:** Correction Officer, **Current Work Address:** Green Haven Correctional Facility, 594 Rt. 216, Stormville, New York 12582-0010.

Defendant 3: Green Haven Correctional Facility, **Shield #:** Unknown, **Current Job Title:** N/A, **Current Work Address:** Green Haven Correctional Facility, 594 Rt. 216, Stormville, New York 12582-0010.

V. STATEMENT OF CLAIM

On or about November 28, 2023, Plaintiff arrived at Green Haven Correctional Facility's intake room/Booking area, around 5:30 PM, Plaintiff, having his Court Ordered No Hair Cut Voucher on him, he handed it to the Defendant's. The Defendant's ordered Plaintiff to take a shower, once Plaintiff took his shower, the Defendant's ordered Plaintiff to cut his hair. Plaintiff informed the Defendant's that he had a Court Ordered No Hair Cut Voucher because of his Rastafarian religion. The Defendant's ignored Plaintiff, surrounded him with violent intention and gave another incarcerated individual an order to cut Plaintiff's hair. The Defendant's ignored Plaintiff and violated his religious rights by forcing Plaintiff to have his hair cut. Plaintiff's hair was never cut since his birth due to his Rastafarian religion until the Defendant's violated the Court Order and in turn violating Plaintiff's constitutional rights to practice his religion.

INJURIES:

Plaintiff has suffered severe emotion stress due to the Defendant's violating his Constitutional rights to practice his religion by cutting Plaintiff hair.

VI. EXHAUSTION OF ADMINISTRATIVE REMEDIES:

After the above stated incident, Plaintiff filed a grievance with the Inmate Grievance Department at Green Haven Correctional Facility. Upon not receiving a response, Plaintiff filed a second grievance on or about January 17, 2024, based upon the Defendant's violation of Plaintiff's Constitutional rights to practice his religion.

VII. RELIEF

Plaintiff seeks \$200,000.00 (two hundred thousand dollars) for violation of his religious rights and for the pain and suffering due to the depression Plaintiff suffered.

VIII. PLAINTIFF'S CERTIFICATION AND WARNINGS

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rules of Civil Procedure 11.

I understand that if I file three or more cases while I am a prisoner that are dismissed as frivolous, malicious, or for failure to state a claim, I may be denied *in forma pauperis* status in future cases.

I also understand that prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions, 42 U.S.C. §1997e(a), and that my case may be dismissed if I have not exhausted administrative remedies as required.

I agree to provide the Clerk's Office with any changes to my address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Dated: November 27, 2024
Beacon, New York

Respectfully submitted,

Tyrone Cooper
Tyrone Cooper – 23-B-5168
Fishkill Correctional Facility
18 Strack Drive
P.O. Box 1245
Beacon, N.Y. 12508-0307

I, Tyrone Cooper, declare under the penalty of perjury that the above is true and correct pursuant to 28 USC §1746.

Tyrone Cooper

I, Tyrone Cooper, declare under the penalty of perjury, pursuant to 28 USC §1746, that I have served a copy of the above Amended Complaint upon Ian Ramage, Assistance Attorney General, located at 28 Liberty Street, 18th Floor, New York, NY 10005, by delivering this complaint to prison authorities for mailing on November 27, 2024.

Tyrone Cooper

cc: File

FISHKILL CORRECTIONAL FACILITY
BOX 1245
BEACON, NEW YORK 12508

NAME: Thorne Cooper DIN: 2335768

FISHKILL

CORRECTIONAL
FACILITY

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FIRST-CLASS MAIL

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To: Clerk of the Court
United States District Court
Southern District of New York
300 Quarropas St.
White Plains, NY 10601-4150

Legal Mail

10601-415055